

ND/GA PROB 12B
(6/12)

UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF GEORGIA

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U.S.D.C. - Atlanta

JUL 09 2015

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

Violation Report and Petition to Modify Conditions of Supervision

Name of Offender: **Jon K. Cherry**

Docket No. **1:13-CR-015-01-ODE**

Judicial Officer: **Honorable Orinda D. Evans, Senior U. S. District Court Judge**

Date of Original Sentence: **February 22, 2013**

Original Offense: **Possession of Child Pornography, 18 U.S.C. §2252(a)(4)(B)**

Original Sentence: **24 months imprisonment, followed by five years supervised release**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **March 20, 2015**

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant has violated the conditions of supervision as follows:

Violation of Condition #7: "The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance..." On May 27, 2015, the defendant tested positive for illegal drugs in that a urine specimen collected from him that day tested positive for marijuana. The defendant admitted to having used marijuana on May 24, 2015, at his home. He was verbally reprimanded during an administrative hearing held on June 29, 2015, during which he admitted having used marijuana as a long-term coping mechanism for mental health issues. The defendant confirmed that he is not presently in mental health treatment due to financial issues but feels he is in need of such. He was presented with a Waiver of Hearing to Modify Conditions (attached), whereby he agreed to participate in mental health treatment.

PREVIOUS VIOLATIONS REPORTED TO THE COURT:

On April 16, 2015, it was reported that on March 23, 2015, the defendant tested positive for illegal drugs in that a urine specimen collected from him that day tested positive for marijuana. The defendant admitted to having used marijuana on March 21, 2015 (notably the day after his release from the halfway house) at his home. He was verbally reprimanded and advised that this conduct would be reported to the Court. He was further placed on the U.S. Probation Office's Code-a-Phone testing system to monitor any further usage.


In addition to notifying the Court of the defendant's drug usage, the probation officer requested that, due to the nature of the instant offense, the Court modify the defendant's supervision conditions to include sex offender specific treatment. At sentencing the Court imposed a condition requiring submission to a psychosexual evaluation to include polygraph examinations if directed. The defendant was presented with a Waiver of Hearing to Modify Conditions, whereby he agreed to participate in treatment, to include both a psychosexual evaluation and counseling if deemed necessary, as well as compliance with the sex offender compliance contract. The Court agreed with this recommendation, and the psychosexual evaluation is near completion.

PETITIONING THE COURT:

To modify the conditions of supervision to include the following:

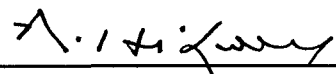
The defendant shall participate in a mental health treatment program under the guidance and supervision of the U.S. Probation Officer, and if able, contribute to the cost of services for such treatment.

Respectfully submitted,



Kelly M. Adcock
Sr. U. S. Probation Officer

Date



N. Keith Scott
Supervising U. S. Probation Officer


Date

THE COURT ORDERS:

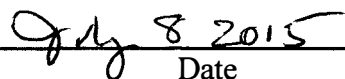
☒ The modification of conditions as noted above.

☐ No Action

☐ Other



Honorable Orinda D. Evans
Senior U. S. District Court Judge



Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF GEORGIA

**Waiver of Hearing to Modify Conditions
of Supervised Release or Extend Term of Supervision**

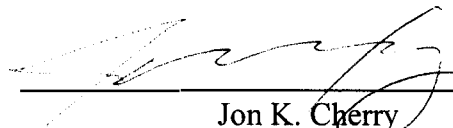
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

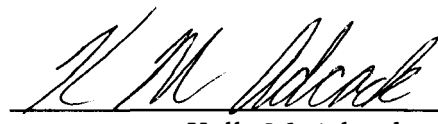
The defendant shall participate in a mental health treatment program under the guidance and supervision of the U.S. Probation Officer, and if able, contribute to the cost of services for such treatment.

Signed:

Witness:



Jon K. Cherry
Supervised Releasee



Kelly M. Adcock
Sr. U. S. Probation Officer

Date:

6/29/15